

REMARKS

35 U.S.C. 112

Claims 1-5, 9-14, 16-48 and 50 were rejected under 35 U.S.C. 112, first paragraph, on grounds that the limitations in independent claims 1, 35 and 50 "initiations of immediately successive simpler sound events" and "independent of the kinds of simpler sound events embodied by said immediately successive simpler sound events" involve new matter.

In response, this language has been deleted in claims 1, 35 and 50, and replaced with "random time delays after a simpler sound event is generated until the next simpler sound event is generated". This language is supported in the specification at page 9, lines 9-14 (referring to the generation of simpler sound events) as follows:

"after an event is generated, a random generator selects a value of the time delay, Δt , until the next event should be generated. After the selected time delay passes, a new event is generated. This new event then triggers the random generator to select a time delay for the next event according to the predefined random distribution."

While this description is given in the specification in the context of a specific embodiment in which event generation is based directly upon a predefined random distribution, it also applies to other embodiments for triggering the simpler sound events.

Conforming amendments have been made to dependent claims 43 and 45.

35 U.S.C. 102, 103

The semantic amendments do not affect the substance of the patentable differences between the present invention and Severson et al. ('431), either by itself or in combination with the other references relied upon in the Office action. In Severson et al. the only random time delays are between sound segments of the same kind. In the present invention there is a random time delay between the generation of one simpler sound event and the generation of the "next" simpler sound event, regardless of whether the "next" sound event is the same as the first one, or different. Thus, the operation of Severson et al. ('431) is inconsistent with each of the claims against which it was cited.

Ample citations to the specifications of both Severson et al. and the present application have been given in previous amendments to demonstrate this distinct difference between the operation of Severson et al. and the present invention as defined by the claims at issue. Without repeating the text of the quotations, the applicable Severson et al. citations are:

Column 2, lines 33-36 and 60-67.

Column 8, lines 63-66.

Column 11, lines 33-37 and 59-61.

Column 14, lines 3-5.

Support is provided in the present application at:

Page 6, lines 24-26.

Page 7, lines 3-8.

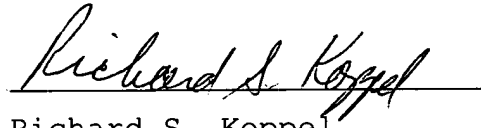
Page 8, line 3 - Page 9, line 14.

As also noted in previous amendments, there is an independent basis of patentability for claims 16-28. These claims require that the simpler sound events be characterized by parameters whose values are randomly varied among these simpler sound events, for at least some kinds of simpler sound events. Neither Severson et al. ('431) nor any other references known to applicants disclose or suggest this feature.

A Notice of Allowance is accordingly respectfully requested.

Respectfully submitted,

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